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VIA ECF

12/3/2014

December 2, 2014

Re: *FHFA v. Nomura Holding Am. Inc.*,  
No. 11 Civ. 6201 (DLC) (S.D.N.Y.)

The Honorable Denise L. Cote  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1610  
New York, NY 10007

**MEMO ENDORSED**

Dear Judge Cote:

We write on behalf of Defendant RBS Securities Inc. ("RBSSI") to respectfully request that RBSSI be granted 75 pages for its Memorandum of Law in Opposition to Plaintiff's Motion for Partial Summary Judgment on Defendants' Due Diligence and Reasonable Care Defenses and regarding proposed redactions to same. FHFA has advised that they take no position on this request. The additional pages are necessary to respond to the issues set forth in Plaintiff Federal Housing Finance Agency's ("FHFA") 90-page opening brief, which was filed on November 10, 2014 along with a 300-page Rule 56.1 statement that cites over 500 exhibits. The arguments presented in FHFA's papers are fact-intensive and require RBSSI to contextualize and refute the assertions made, and implicate nuanced issues for RBSSI as an underwriter defendant that are not shared by the Nomura defendants in each instance. In addition, the short turn-around time over the Thanksgiving holiday rendered it more difficult to coordinate closely with the Nomura Defendants on a joint submission. Given the unique issues addressed to RBSSI and the Nomura defendants, and the importance of these issues to all defendants, RBSSI and the Nomura defendants have responded in separate submissions.

With regard to proposed redactions, because the parties have designated certain of the materials supporting RBSSI's opposition to Plaintiff's Motion for Partial Summary Judgment as "Confidential" or "Highly Confidential" under the First Amended protective Order, RBSSI is filing its motion under seal, pursuant to Paragraph 9 of the First Amended Protective Order. RBSSI may propose redactions to certain of the materials supporting its opposition, and also wishes to give FHFA an opportunity to propose any redactions it thinks necessary. To facilitate this process, RBSSI respectfully requests that the Court grant the parties until Monday, December 22, 2014, to meet and confer regarding proposed redactions, and until Monday, December 29, 2014, to file a joint submission with the Court listing the proposed redactions to

which no party objects as well as any to which a party objects. The parties have agreed to these dates.

We thank the Court in advance for its consideration of this request.

Very truly yours,

/s/ Thomas C. Rice

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Granted.  
*[Signature]*  
12/2/14